



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

US EPA RECORDS CENTER REGION 5



SEP 11 2002

REPLY TO THE ATTENTION OF  
Gary Development Landfill Site

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

RE: Gary Development Landfill Site  
479 North Cline Avenue, Gary, Indiana  
General Notice of Potential Liability

Dear Sir:

The United States Environmental Protection Agency ("U.S. EPA") has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. Specifically, U.S. EPA has determined that a total of twenty-nine drums, five above ground storage tanks, and assorted small containers are in and around the four buildings at the above-referenced facility. Many of the drums are in poor condition or leaking. Sampling of the contents indicates the presence of hazardous substances in many of these drums and containers, including flammable hazardous substances.

U.S. EPA is planning on taking a time-critical removal action to address these drums, containers and tanks. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties.

Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment, or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs

associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

U.S. EPA is currently planning to take the following actions to mitigate threats posed by the presence of deteriorating drums and containers of hazardous substances or pollutants or contaminants at and near the four buildings at the Gary Development Landfill Site:

1. Develop and implement a Site-specific Work Plan.
2. Develop and implement a Site-specific Health and Safety Plan.
3. Secure and contain all hazardous substances on-site.
4. Decontaminate field and personal equipment.
5. Stabilize and dispose of off-site all hazardous substances, pollutants, contaminants from drums and containers removed off-site pursuant to this removal action for treatment, storage, or disposal at an U.S. EPA-approved disposal facility in compliance with the U.S. EPA Off-Site Rule, 40 CFR § 300.440, 58 Federal Register 49215 (Sept. 22, 1993).

U.S. EPA has received information that you may have operated or owned the facility or generated or transported hazardous substances that were disposed of at the facility. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility. U.S. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse U.S. EPA for its costs. If a consent order cannot be promptly concluded, U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order.

Because of the conditions described above, U.S. EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, you should notify U.S. EPA in writing within fourteen (14) calendar days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs. Your response should be sent to:

Debra Regel  
U.S. EPA - Region 5  
Emergency Enforcement & Support Section SE-5J  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

If U.S. EPA does not receive a timely response, U.S. EPA will assume that you do not wish to negotiate a resolution of your potential responsibility in connection with the facility and that you have declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Randa Bishlawi of the U.S. EPA Office of Regional Counsel at (312) 886-0510.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,



Richard C. Karl, Chief  
Emergency Response Branch

LIST OF PRPs SENT GENERAL NOTICE LETTER  
GARY DEV CO INC SITE  
(a.k.a. Gary Development Landfill Site)

Mr. Lawrence H. Hagen, Sr.  
1648 Jupiter Cove Drive  
Apt. 510B  
Jupiter, FL 33469

Mr. William M. Nanini  
8310 North Rose Marie Lane  
Tucson, AZ 85742